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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,414	09/23/2003	Yoshikazu Shibamiya	03500.017590	1079
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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PARRA, OMAR S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/667,414	SHIBAMIYA ET AL.
	Examiner Omar Parra	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 September 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>07/06/2004</u>	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Priority

1. Acknowledgement is made of applicant's claim of priority over applications 2002-281054 and 2003-324638 filed in Japan on 9/26/2002 and 9/17/2003, respectively.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 8, 9, 14 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hara et al. (hereinafter 'Hara', Pub. No. 2001/0012051).

Regarding claim 1, Hara teaches a receiving apparatus (**Portable terminal 12, Fig. 1**), comprising:

a reception circuit for receiving image data transmitted through a network (62-64, **Fig. 2 or [0076]**);

an output circuit for outputting the image data received by said reception circuit to a display apparatus (**Display Section 40, Fig. 2**); and

a control circuit for generating a signal (60, Fig. 2) for requesting an apparatus for controlling the transmission (**Communication Manager Center 10, Fig. 1**), to transmit the image data in a transmission mode according to a size of a display area in which an image based on the image data is displayed (**Portable device 12 sends information about its display size in order that the transmitted data fits its display settings, [0015], [0062]-[0064], [0080], [0081]**).

Regarding claim 8, Hara teaches a receiving apparatus wherein said output circuit includes a buffer memory for storing the image data received by said reception circuit, and changes an amount of data to be stored in said buffer memory according to the transmission mode in which the transmission is requested to be performed (**42, Fig. 2 or [0059], where the amount of data stored in the buffer inherently changes as the data is received and displayed**).

Regarding claim 9, Hara teaches a receiving apparatus, wherein said reception circuit receives a signal specifying the size of the display area in which the image based on the image data is displayed (**[0066]-[0072], [0113]**).

Regarding claim 14, Hara teaches a receiving apparatus wherein said receiving apparatus has the display apparatus built-in (**LCD 41, Fig. 2**).

Regarding claim 22, Hara teaches an image display system comprising a receiving apparatus (**Portable terminal 12, Fig. 1, when receiving**) and a transmission apparatus for transmitting at least one of pieces of the image data (**14 a-c and 10, Fig. 1; [0043]-[0047]**).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **2-7, 10-13, 15-21 and 23-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara et al. (hereinafter 'Hara', Pub. No. 2001/0012051) in view of Radford et al. (hereinafter 'Radford', Pub. No. 2002/0144276).

Regarding claim 2, Hara teaches all the limitations of the claim it depends on. On the other hand, although Hara teaches that the receiver generates a signal to inform its display resolution for getting the transmitted data matching its settings (See rejection to claim 1), he does not explicitly teach having a receiving apparatus wherein said control circuit selects the transmission mode from a plurality of transmission modes having

different transmission speeds, and generates a signal for requesting transmitting the image data in the selected transmission mode.

However, in an analogous art, Radford teaches that the user at the receiver can select and request to the transmitter to send the data in one of various transmission modes ([0008], [0021], [0025], [0031], where the user defines the speed of the connection, the quality of the content, size, bit rate, frame rate, etc).

Therefore, it would have been obvious to an ordinary skilled in the art to have modified Hara's invention with Radford's teaching of being able to change the settings of the display and receive data satisfying them for the benefit of 'providing streamed data to the users in a format appropriate to the user's connection speed and that allows a user to actively control the quality of video being delivered' (Radford, [0006]).

Regarding claim 3, the combined teachings of Hara and Radford teach having receiving apparatus wherein said control circuit selects from the plurality of transmission modes a transmission mode having a transmission speed lower than that of a maximum reception speed, in which said reception circuit can receive through said network (Radford, [0011], [0022], [0025], [0029]).

Regarding claims 4 and 17, the combined teachings of Hara and Radford teach having a receiving apparatus, wherein the image data includes data for displaying a series of images, and the plurality of transfer modes includes at least a plurality of

transfer modes in which frame rates of the series of images are different from each other (**Radford, [0025]**).

Regarding claim 5, the combined teachings of Hara and Radford teach having a receiving apparatus, wherein the plurality of transfer modes includes a first mode and a second mode, the first mode being a mode in which resolution of an image to be displayed on a basis of data transmitted in the first mode is recognized to be higher than resolution of an image to be displayed on a basis of data transmitted in the second mode (**Radford, [0017], [0025], [0029] and [0031] or Hara, [0084]-[0086]**).

Regarding claim 6, the combined teachings of Hara and Radford teach having a receiving apparatus, wherein the image data includes data for displaying a series of images, and the plurality of transfer modes includes a first mode and a second mode, the second mode being a mode in which visibility of a movement of an object in a series of images displayed on a basis of data transmitted in the second mode is higher than visibility of a movement of an object in a series of images displayed on a basis of data transmitted in the first mode (**[0017], [0025], [0029] and [0031], where visibility of a movement of an object varies from no movement (audio), slight movement (slideshow) and full movement (video)**).

Regarding claim 7, the combined teachings of Hara and Radford teach having a receiving apparatus, wherein said reception circuit receives transmission mode

information including at least information of a plurality of transmission modes which an apparatus for performing transmission of the image data can transmit (**The program or interface that displays the possible transmission modes can be downloaded to the receiver, Radford, [0008]. Also, as per Hara, the receiver keeps a table of destination's resolutions in order to send the data for that resolution when the receiver is transmitting video, [0066]-[0072].**)

Regarding claims 10 and 11, the combined teachings of Hara and Radford teach a receiving apparatus wherein said control circuit performs control in order that images may be displayed in a plurality of display areas severally (**The change of settings is at user's will, therefore he/she can change size of the image severally and inherently the area where they are displayed**), the display areas including at least a first display area being the display area in which the image based on the image data is displayed and a second display area different from the first display area, a size of said first display area determined on a basis of designation made by a transmitter of image data for displaying an image in the second display area (**Given that it is the same transmitter that has the different qualities of the same video, Radford [0028], [0033] , it is the transmitter of image data for displaying an image in the second display the one that sets the size of the first display area, Radford [0019].**)

Regarding claim 12, the combined teachings of Hara and Radford teach a receiving apparatus, wherein said receiving apparatus displays a television broadcast in

the second display area (**Hara, [0093] and [0102]**, where the receiver can be set to receive television broadcast).

Regarding claims 13, 19, 20 and 27, the combined teachings of Hara and Radford teach a receiving apparatus, wherein said reception circuit receives information related to time when the size of the display area in which the image is displayed is changed, and said control circuit changes the transmission mode requested to said apparatus for controlling the transmission on a basis of the information related to the time (**Radford, [0031]**).

Regarding claims 15 and 24, Hara teaches a receiving apparatus (**Portable terminal 12, Fig. 1**), comprising:

a reception circuit for receiving first image data for displaying an image in a first display area in a maximum display area of a display apparatus (**62-64, Fig. 2 or [0076], [0086]**), second image data for displaying an image in a second display area in the display area, and an information related to image displaying in the first display area; and

a control circuit (**60, Fig. 2**) for generating a signal for requesting an apparatus for controlling the transmission of the first image data (**Communication Manager Center 10, Fig. 1**) to transmit the first image data on a basis of the information. On the other hand, although Hara teaches that a second image data can be transmitted to the receiving apparatus, it does not explicitly teach that the transmitter of the second image data specifies the information for transmitting the first image data.

However, in the same field of endeavor, Radford teaches that the user at the receiver can select and request to the transmitter to send the data in one of various transmission modes ([0008], [0021], [0025], [0031], where the user defines the speed of the connection, the quality of the content, size, bit rate, frame rate, etc). Therefore, given that it is the same transmitter that has the different qualities of the same video, Radford [0028], [0033], it is the transmitter of image data for displaying an image in the second display the one that sets the size of the first display area, Radford [0019]).

Therefore, it would have been obvious to an ordinary skilled in the art to have modified Hara's invention with Radford's teaching of being able to change the settings of the display and receive data satisfying them for the benefit of 'providing streamed data to the users in a format appropriate to the user's connection speed and that allows a user to actively control the quality of video being delivered' (Radford, [0006]).

Regarding claim 16,18 and 25-26, the combined teachings of Hara and Radford teach a receiving apparatus, wherein the information includes at least information indicating a size of the first display area (**Hara, [0085] where the receiving device sends information of its display for the transmitted data to satisfy its resolution; or Radford, [0019], [0029]-[0031]**).

Regarding claim 21, the combined teachings of Hara and Radford teach a receiving apparatus, wherein the first image data and the second image data are received by the receiving apparatus through different paths (**Radford, [0028]; if the**

different quality level videos are stored in different host servers, different paths are used for transmission).

Regarding claim 23, the combined teachings of Hara and Radford teach an image display system comprising a receiving apparatus (**Hara, Portable terminal 12, Fig. 1, when receiving**) and a transmission apparatus for transmitting at least one of the image data (**Hara, 14 a-c and 10, Fig. 1; [0043]-[0047]**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Parra whose telephone number is 571-270-1449. The examiner can normally be reached on Under Academy Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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